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W.P.(MD) No.20775 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.20775 of 2021

and

W.M.P.(MD) Nos.17389 of 2021 & 19773 of 2025

J.John Gnanaraj

... Petitioner

-VS-

- 1.The Secretary to Government
School Education Department
State of Tamil Nadu
Fort St.George, Chennai-9
- 2.The Director of School Education
DPI Campus, College Road
Chennai-6
- 3.The Chief Educational Officer
Tirunelveli District, Tirunelveli
- 4.The District Educational Officer
Tirunelveli District
Tirunelveli



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5.The Manager
CSI Tirunelveli Diocese
High Ground Road
Palayamkottai, Tirunelveli

6.The Correspondent
Cathedral Higher Secondary School
Palayamkottai, Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 1st respondent in G.O.Ms.No.9, School Education Department, dated 06.01.2009 and the consequent orders of the 4th respondent in his proceedings in O.Mu.No.4076/A4/2020 dated 17.06.2021 and quash the same and consequent direction may be issued to the respondents to approve the petitioner's appointment as Vocational Instructor (Electrical Machines and Appliances) in 6th respondent school from the date of the petitioner appointment 05.11.2020 and to disburse monetary and service benefits within stipulated time.

[Prayer is amended vide Court order dated 19.09.2025 in W.M.P.(MD) No. 19771 of 2025]



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For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1 to R4
Mr.P.P.Alwin Balan for R5 & R6

ORDER

The issue that arises for consideration in this writ petition is whether the appointment to the post of Vocational Instructor can be approved by the respondents, in cases, where the said post was a sanctioned post for the school and in view of the retirement, a replacement needs to be made.

2. In the instant case, under the consequential impugned order, the proposal sent by the sixth respondent – School for appointment of the petitioner has been rejected by stating that the post of Vocational Instructor for the said School is no longer a sanctioned post.

3. Learned counsel for the petitioner drew the attention of this Court to the Division Bench Judgment dated 24.09.2025, passed by this Court in W.A.(MD) No.506 of 2020, in the case of ***The State of Tamil Nadu,***



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rep.by its Secretary, Department of School Education and others vs. The Correspondent, St.Joseph's Girls Higher Secondary School, Madurai, as well as a decision rendered by me on 06.10.2025, in W.P.(MD) Nos.487 of 2020 and 26277 of 2019, in the case of **The Secretary, Charrm Bharathi Higher Secondary School, Kadayam vs. The State of Tamil Nadu, rep.by its Secretary, Department of School Education and others**, and would submit that the issue is no longer *res integra* as the issue has now been well-settled that in case of retirement of the Vocational Instructor from the school and the said post of Vocational Instructor was a sanctioned post of the said school, the school cannot be deprived of appointing a replacement for the retired teacher.

4. Even though a counter affidavit has been filed by the respondents reiterating the contents of the impugned orders, in view of the settled law, as stated supra, and in view of the fact that the appointment of the petitioner as a Vocational Instructor is only a replacement for the retired teacher, necessarily his appointment has to be approved by the official respondents as the sixth respondent – School cannot be deprived of appointing a replacement for the retired teacher. By total non-application of



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fourth respondent is directed to pass orders accordingly within a period of twelve weeks from the date of receipt of a copy of this order. The eligible salary payable to the petitioner shall also be paid to him within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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ABDUL QUDDHOSE, J.

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